

## PUBLIC NOTICE

Notice to Water Users  
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to change a water right in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION TO CHANGE A WATER RIGHT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

**OBJECTION DEADLINE: FEBRUARY 1, 2016.** THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 2273 BOOT HILL COURT, SUITE 110, BOZEMAN, MT 59715-7249 FAX: 406-587-9726 PHONE: 406-586-3136.

**Application Number :** 41F 30070072

**Applicant :** SUN WEST RANCH PROPERTY OWNERS ASSN  
3 GILDRED LN  
CAMERON, MT 59720 9678

### **WATER RIGHT NUMBER(S) BEING CHANGED**

<b>Water Right Type</b>	<b>Water Right Number</b>	<b>Priority Date</b>
STATEMENT OF CLAIM	41F 138425-00	OCTOBER 22, 1912
Historical Flow Rate: 5.95 CFS	Historical Diverted Volume:	256.00 AC-FT

### **PAST USE OF WATER**

UNDER 41F 138425 00, WATER WAS HISTORICALLY DIVERTED FROM HORSE CREEK AT A RATE OF 5.95 CFS THROUGH A LOG AND TARP DIVERSION AND CONVEYED THROUGH THE D-6 DITCH (A.K.A., UPPER SPRAGUE DITCH) TO FLOOD IRRIGATE 64 ACRES IN SECTIONS 17 AND 20, T10S, R1E, MADISON COUNTY.

### **PROPOSED CHANGE**

#### **FLOW RATE: 5.95 CFS**

APPLICANT IS PROPOSING TO CHANGE THE POINT OF DIVERSION (POD), PLACE OF USE (POU), AND PURPOSE OF USE FOR IRRIGATION WATER RIGHT 41F 138425 00. THE PROPOSED CHANGE WOULD TEMPORARILY CHANGE THE POD TO THE SWSWNW OF SECTION 20, T10S, R1E, MADISON COUNTY. UNDER THE INSTREAM CHANGE, THE POU WOULD BE TEMPORARILY CHANGED TO THE REACH FROM THE SWSWNW OF SECTION 20, T10S, R1E TO THE CONFLUENCE OF HORSE CREEK WITH THE MADISON RIVER AT THE SESWSE OF SECTION 17, T10S, R1E, MADISON COUNTY. THE PURPOSE WOULD BE TEMPORARILY CHANGED TO INSTREAM FLOW IN ORDER TO MAINTAIN STREAMFLOW LEVELS FOR THE BENEFIT OF FISHERIES IN HORSE CREEK. THE FLOW RATE WILL REMAIN AT 5.95 CFS. THE AMOUNT OF WATER CHANGED WILL BE THE HISTORIC DIVERTED VOLUME OF 247.83 ACRE-FEET (AF). THE AMOUNT OF WATER CHANGED TO INSTREAM USE FOR THE BENEFIT OF FISHERIES WILL BE 178.85 AF.

### **ADDITIONAL INFORMATION**

THIS APPLICATION WAS ORIGINALLY TO CHANGE TWO WATER RIGHTS: 41F 138425 00 (IR) AND 41F 127287 00 (ST). HOWEVER, THE APPLICATION WAS LATER SPLIT INTO TWO SEPARATE APPLICATIONS. APPLICATION 41F 30070072 IS TO TEMPORARILY CHANGE THE IRRIGATION RIGHT TO INSTREAM FLOW FOR THE BENEFIT OF FISHERIES. APPLICATION 41F 30104013 IS TO PERMANENTLY CHANGE THE POD AND POU OF THE STOCK RIGHT TO ALLOW STOCK TO DRINK DIRECTLY FROM HORSE CREEK.

**PUBLISHED IN: MADISONIAN ON DECEMBER 17, 2015.**

**RECEIVED**

DEC 18 2015

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE